

265

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x  
VICTORIA MALONE,

Plaintiff,

Case No.

7:19-cv-05503 (VB)

-against-

TOWN OF CLARKSTOWN, WAYNE BALLARD, in his  
personal and official capacity as Clarkstown  
Highway Superintendent, FRANK DIZENZO, in  
his personal and official capacity as  
Clarkstown Highway Superintendent, ANDREW  
LAWRENCE, in his personal and official  
capacity, DAVID SALVO, in his personal and  
official capacity, ROBERT KLEIN, in his  
personal and official capacity, TUCKER  
CONNINGTON, in his personal and official  
capacity, and BRIAN LILLO, in his personal  
and official capacity,

Defendants.

-----x

1133 Westchester Avenue  
White Plains, New York

September 25, 2020  
10:02 a.m.

CONTINUED EXAMINATION of VICTORIA MALONE, the  
Plaintiff herein, held at the above time and place,  
taken before Cheryl Thompson, a Shorthand Reporter  
and Notary Public within and for the State of  
New York, pursuant to Order.

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1 266  
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 25

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 21  
 22 ALSO PRESENT:  
 23 DAVID SALVO  
 CHARLES CONNINGTON  
 24 ROBERT KLEIN  
 BRIAN LILLO  
 25 FRANK DIZENZO (VIA ZOOM)

1 STIPULATIONS 268  
 2  
 3 IT IS HEREBY STIPULATED AND AGREED by and between  
 4 the counsel for the respective parties hereto, that  
 5 the filing, sealing, and certification of the within  
 6 deposition shall be waived.  
 7  
 8 IT IS FURTHER STIPULATED AND AGREED that all  
 9 objections, except as to the form of the question,  
 10 shall be reserved to the time of the trial.  
 11  
 12 IT IS FURTHER STIPULATED AND AGREED that the  
 13 within deposition may be signed before any Notary  
 14 Public with the same force and effect as if signed and  
 15 sworn to before the Court.  
 16  
 17  
 18  
 19  
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 22  
 23  
 24  
 25

1 Victoria Malone 269  
 2 VICTORIA MALONE,  
 3 the Plaintiff herein, having been  
 4 previously duly sworn by a Notary  
 5 Public of the State of New York,  
 6 upon being examined, continued to  
 7 testify as follows:  
 8 EXAMINATION BY  
 9 MR. McGOVERN:  
 10 Q Good morning, Miss Malone. My name is  
 11 Kyle McGovern.  
 12 A Good morning.  
 13 Q I am with the law firm of Lyons  
 14 McGovern. I represent Defendant Brian Lillo in  
 15 this case.  
 16 A Okay.  
 17 Q We talked about you're still under  
 18 oath. You were sworn in yesterday.  
 19 A Yes.  
 20 Q And just a couple -- I know Miss  
 21 Scheibel gave you some instructions, but just a  
 22 couple of reminder instructions.  
 23 Everything has to be a verbal response  
 24 so the reporter can take down everything that's  
 25 said, correct?



Victoria Malone 270

A Yes.

Q If you have any questions during, if you want to confer with your attorney, you have a right to do that. Let me know and I will let you step back and confer with your attorney.

If there is a question pending, however, and your attorney doesn't direct you not to answer, then I'm going to ask you to answer the question before you confer. Okay?

A Yes.

Q Do you understand that?

A Yes.

Q In addition, I am going to ask you to listen to the questions that I pose. Yesterday during your testimony there was a few questions that required a yes or no answer and you went beyond those responses.

So I will just ask you to listen to the question I ask. If it requires a yes or no to answer, I ask you to put that verbally on the record. And if there is a need to elaborate on that, you can let me know and I will see if I can ask followup questions.

Do you understand that instruction?

Victoria Malone 271

A Yes.

Q All right. So you testified yesterday that your position is an MEO II, and in that position you're able to operate heavy equipment; is that correct?

A Correct.

Q And you testified also yesterday about typically when you're working with -- and by the way, what I'm addressing is when you're with the tree crew, when you're working with Brian Lillo, I believe Mr. Salvo was also on the tree crew, and my question is, you testified that you typically handled work on the ground, meaning you raked, you did a lot of raking, you did a lot of stick pickup.

Was that the primary role with the tree-cutting crew for that, was that your main role?

A I also did other things.

Q Okay. But you said, you testified yesterday you did a lot of ground work, a lot of raking?

A I did a lot of ground work but I also did other things.

Victoria Malone 272

Q You also mentioned you worked the chainsaw a little bit?

A Correct.

Q A couple of times I believe you said one or two times?

A A couple of times.

Q I believe you also testified you worked a claw bucket?

A Correct.

Q Did you receive any training in order to operate, for example, the chainsaw?

A I went to a class that was given by the highway department on chainsaws, yes.

Q So it was an instruction on how to use it, was there safety issues involved, did they discuss how to use it safely?

A Yes.

Q Did you also receive training regarding using the claw bucket?

A Yes.

Q Now, in terms of doing the ground work, the rake work, and picking up the sticks and working around the trees, were you given training in that as well?

Victoria Malone 273

A I'm sorry. Can you repeat that question.

Q Were you given training in terms of how to handle raking duties and ground duties? I think you described it yesterday --

A I --

Q Our reporter has got to take everything you say down and everything I say down so we can't talk at the same time.

Do you understand that instruction?

A Yes.

Q So again, you testified yesterday you did a lot of ground work, and I'm asking you do you receive training on how to properly handle the rake, how to do ground work when you're cutting a tree?

A I don't recall.

MR. COHEN: Compound question. One or the other. Cutting a tree and ground work are two very different things.

MR. McGOVERN: Mr. Cohen, you can put your objection on the record. This is a federal deposition. You



Victoria Malone 434  
He was very aggressive and he was almost, like it wasn't a joke, it was not a joke. He used force and it scared me, and it broke my heart because I didn't think he would have hurt me.

Q Did you suffer any physical injury as a result of this exchange?

A No.

Q Did Mr. Klein hurt you in some way in connection with this incident?

A He scared me.

Q But did you suffer any physical injury as a result of this exchange.

A No.

Q And did you continue working the rest of the day?

A I believe so.

Q Okay. Continuing on paragraph 35.

Is there anything else that you want to add in connection about that sentence that was addressed?

A Which one?

Q The one we talked about it says on one occasion -- I will ask the question again.

Victoria Malone 435  
In connection with that second sentence of paragraph 35 which ends with into the ground, is there anything more that you want to tell me?

A I don't want to add anything.

Q No? Okay.

Continuing, this would be the third sentence, on at least two occasions, you see that sentence?

A Yes.

Q It ends with into the seat of a truck, closed paren.

Do you see that sentence?

A Yes.

Q Can you tell me what would happen?

A Yes. I was sitting in the passenger seat and he was in the driver seat. And he took --

Q Of what kind of vehicle?

A The pickup truck.

Q This would be the town truck, right?

A Correct.

Q In the passenger seat, and he was driving you said?

Victoria Malone 436  
A He wasn't driving, he was sitting in the driver seat.

Q He was sitting in the driver seat.

A Yes.

Q The car was not operational.

A No.

Q And you were sitting right in the passenger seat.

A Yes.

Q Then what happened?

A He took me by the back of my neck and pushed my head into the middle of the seat, and then grabbed the back of my shirt and ripped it over my head, so it was just I had my shirt over my head, and it felt like he was going to snap my neck.

Q Okay. You claim that he grabbed the back of your neck and pressed it forward into the middle of the seat?

A Yes.

Q Would that be between your legs?

A To the middle of the seat. Like meaning it's a bench seat.

Q Closer to him.

Victoria Malone 437  
A Yes.

Q And why do you believe that he was going to snap your neck?

A Because he was using a lot of force.

Q What precipitated this? Just spontaneously he did it, or was there an exchange between you two or --

A Nothing, nothing that could have, that should have led to that. I don't even remember what the conversation was.

Q Was there anyone else in proximity to the vehicle?

A I don't remember. I was so concerned just about getting my shirt to cover my body because I was mortified.

Q So you claim that he grabbed your neck and pushed it into the seat and pulled your shirt over your head?

A Yeah. He said it was a hockey move.

Q Do you recall what you were wearing?

You were wearing jeans obviously, correct?

A I was in jeans, yes.

Q What was on your upper torso?



1 Victoria Malone 474  
 2 Q Have you read it?  
 3 A Yes.  
 4 Q Did you read it before it was filed  
 5 with the Court?  
 6 A Yes.  
 7 Q Did you participate in its making?  
 8 A Yes.  
 9 Q Paragraph 28 of this complaint, which  
 10 is Page 7 of 22, can you read that paragraph for  
 11 us.  
 12 A Out loud?  
 13 Q No, to yourself. Just refresh your  
 14 recollection.  
 15 A (Reviewing)  
 16 I read it.  
 17 Q Thank you.  
 18 That paragraph states in part: When  
 19 DiZenzo saw Malone, he would ask her if she  
 20 needed a place to sit, wipe his mouth, tilt his  
 21 head back, and stick out his tongue inviting  
 22 Malone to sit on his face.  
 23 Do you remember that?  
 24 A Correct.  
 25 Q Can you tell me when that happened?

1 Victoria Malone 475  
 2 A I can't give exactly. It happened so  
 3 many times I can't.  
 4 Q How many times?  
 5 A A lot. Over the course, so many times  
 6 I can't even put a number on it.  
 7 Q More than ten?  
 8 A I can't put a number on it.  
 9 Q Less than ten?  
 10 A I can't put a number on it. It  
 11 happened often.  
 12 Q When is the last time it happened?  
 13 A Don't know exactly.  
 14 Q Did you ever report it to anybody?  
 15 A No.  
 16 Q Also in that paragraph 28, when  
 17 DiZenzo heard Miss Malone state that she was going  
 18 to take a bathroom break, he would cup his hands  
 19 and say do you need help, suggesting that Malone  
 20 urinate into his hands.  
 21 Can you tell me when that happened?  
 22 A That happens all the time.  
 23 Q Can you give me any specific dates?  
 24 A No.  
 25 Q Can you give me any specific years?

1 Victoria Malone 476  
 2 A Throughout.  
 3 Q When is the last time it happened?  
 4 A I don't remember the last time it  
 5 happened.  
 6 Q Is it possible that you can't remember  
 7 because it never happened?  
 8 A No.  
 9 Q Also in paragraph 28 states: When  
 10 they were raking leaves, DiZenzo said he would  
 11 love to throw Malone down on top of a pile of  
 12 leaves and make love to her.  
 13 Do you recall that?  
 14 A Yes.  
 15 Q When did that happen?  
 16 A That happened before he was  
 17 superintendent. That happened probably -- let's  
 18 see. I was working in TJ Rickli's crew at that  
 19 time.  
 20 Q Forgive me. That doesn't help me  
 21 identify dates.  
 22 A Well, that helps me. That gives me a  
 23 time frame.  
 24 Q So when did you work for --  
 25 A I don't recall exactly the date I

1 Victoria Malone 477  
 2 worked in TJ Rickli's crew, but that's the crew I  
 3 worked in.  
 4 MR. GARVEY: Counsel, can you ask  
 5 your client to let me finish my  
 6 question.  
 7 Q So you don't know when you worked for  
 8 him, that crew?  
 9 A I don't remember exact dates.  
 10 Q How about unexact dates?  
 11 A Between 2003 and I don't know.  
 12 Q Is there anything that would help  
 13 refresh your recollection as to the dates?  
 14 A I can ask somebody.  
 15 Q Who would you ask?  
 16 A Denny Frisco.  
 17 Q And why do you think Denny Frisco  
 18 would know?  
 19 A Because he was there.  
 20 Q Also in paragraph 28 of that  
 21 complaint, you wrote that Mr. DiZenzo referenced  
 22 shifting gears and grasping the shift.  
 23 Can you tell me what that means?  
 24 A He had me grab the shift.  
 25 Q Okay.





<p style="text-align: right;">Page 250</p> <p>1 Victoria Malone 514</p> <p>2 now though.</p> <p>3 Q So it's possible that he did make</p> <p>4 those complaints?</p> <p>5 A It's possible but I don't know.</p> <p>6 Q As we sit here today, are you aware</p> <p>7 of any complaints that Dominick Santulli has</p> <p>8 generally about his position with the highway</p> <p>9 department?</p> <p>10 A I don't know.</p> <p>11 Q Isn't it true that Mr. Santulli --</p> <p>12 strike that.</p> <p>13 Isn't it true that Mr. Santulli does</p> <p>14 not have a good relationship with the highway</p> <p>15 department?</p> <p>16 MR. COHEN: If you know.</p> <p>17 Objection. If you know.</p> <p>18 A I don't know.</p> <p>19 Q Are you aware -- has there ever been</p> <p>20 a time that you're aware that Mr. Santulli did</p> <p>21 not have a good relationship with the highway</p> <p>22 department?</p> <p>23 A I don't know.</p> <p>24 Q Can you look at the document the</p> <p>25 court reporter just provided to you that's been</p>	<p style="text-align: right;">Page 252</p> <p>1 Victoria Malone 516</p> <p>2 the highway department?</p> <p>3 A Yes.</p> <p>4 Q Can you tell me just so we have the</p> <p>5 same understanding what your understanding of a</p> <p>6 grievance is?</p> <p>7 A It's a complaint.</p> <p>8 Q Complaint concerning the Collective</p> <p>9 Bargaining Agreement; is that correct?</p> <p>10 A What does that mean?</p> <p>11 Q Your union contract?</p> <p>12 A Yeah. I guess so. I don't know</p> <p>13 that.</p> <p>14 Q When you filed a grievance -- strike</p> <p>15 that.</p> <p>16 When you filed your grievance, who</p> <p>17 helped you file it, if anyone?</p> <p>18 A The union.</p> <p>19 Q The grievance that you filed, can you</p> <p>20 tell us in sum and substance why you filed it?</p> <p>21 A Because I was being held back from</p> <p>22 promotion.</p> <p>23 Q And did there come a time when there</p> <p>24 was a resolution to that grievance?</p> <p>25 A Yes.</p>
<p style="text-align: right;">Page 251</p> <p>1 Victoria Malone 515</p> <p>2 marked as Defendant's Exhibit Z, Stipulation of</p> <p>3 Settlement and General Release concerning</p> <p>4 Grievance of April 29, 2016.</p> <p>5 Miss Malone, have you seen that</p> <p>6 document before?</p> <p>7 A I don't remember it.</p> <p>8 Q Can you turn to the last page of this</p> <p>9 three-page document labeled Malone 304.</p> <p>10 A Yes.</p> <p>11 Q Lower left-hand portion of that</p> <p>12 document, is that your signature?</p> <p>13 A It is.</p> <p>14 Q By signing this, would it be safe to</p> <p>15 assume that you read it?</p> <p>16 A I don't honestly, I don't remember</p> <p>17 reading it.</p> <p>18 Q Can you tell me what the document is?</p> <p>19 A This is a Stipulation of Settlement</p> <p>20 and General Release.</p> <p>21 Q Is it your testimony that you have no</p> <p>22 recollection of this document?</p> <p>23 A I don't remember it.</p> <p>24 Q Okay. Miss Malone, have you ever</p> <p>25 filed a grievance with the Town of Clarkstown or</p>	<p style="text-align: right;">Page 253</p> <p>1 Victoria Malone 517</p> <p>2 Q And were you subsequently promoted?</p> <p>3 A Yes.</p> <p>4 Q You testified yesterday that when</p> <p>5 that grievance was resolved, you had attorney</p> <p>6 representation.</p> <p>7 Is that true?</p> <p>8 A Yes. Given to me by the town.</p> <p>9 Q The town or the union?</p> <p>10 A The union. My apologies.</p> <p>11 Q The union attorney, you testified,</p> <p>12 again I'm paraphrasing this, but you testified</p> <p>13 yesterday you were not happy with the results of</p> <p>14 the union attorney; is that correct?</p> <p>15 A Yes.</p> <p>16 Q Can you be more specific about what</p> <p>17 you were unhappy with?</p> <p>18 A He wasn't good.</p> <p>19 Q Can you be more specific about not</p> <p>20 being good.</p> <p>21 A He didn't properly explain to me that</p> <p>22 what I was signing when I was going to get my</p> <p>23 promotion.</p> <p>24 Q And when did you discover that he did</p> <p>25 not properly explain to you what you were signing</p>



1 Victoria Malone 526  
 2 Q You knew where the Town Attorney's  
 3 office was; is that correct?  
 4 A I don't know if I knew where that  
 5 was.  
 6 Q You knew where town hall was, correct?  
 7 A Correct.  
 8 Q Your father had worked for the  
 9 highway department for a number of years; is that  
 10 correct?  
 11 A No.  
 12 Q For the town -- strike that.  
 13 Your father worked for the town for a  
 14 number of years; is that correct?  
 15 A Yes.  
 16 Q And you spoke to your father on a  
 17 regular basis; is that correct?  
 18 A Yes.  
 19 Q And despite knowing all of that,  
 20 knowing how to complain, knowing where to complain  
 21 to, knowing who to complain to, you never once  
 22 complained about any of the allegations in this  
 23 lawsuit to anyone at the town or the highway  
 24 department, with the exception of the chainsaw  
 25 incident; is that correct?

1 Victoria Malone 527  
 2 A Yes.  
 3 No, I'm sorry, it's not.  
 4 Q Please.  
 5 A I complained about Rory.  
 6 Q What -- to whom and what did you  
 7 complain about Rory?  
 8 A I complained verbally.  
 9 Q To who?  
 10 A To Andy Lawrence, and to -- I think  
 11 Andy Lawrence was just it. And I also --  
 12 Q Let's start with Rory.  
 13 A Okay.  
 14 Q You complained to Andy Lawrence about  
 15 Rory specifically doing what?  
 16 A Trying to run me over in the parking  
 17 lot, trying to close my fingers in the door,  
 18 pushing me, calling me, he cursed at me. I  
 19 have -- they are all documented.  
 20 Q In addition to Andy Lawrence,  
 21 complaining to Andy Lawrence about Rory, who else  
 22 did you report to about whom?  
 23 A I think Rory was it.  
 24 Q So what was the outcome of your  
 25 report to Andy Lawrence concerning Rory, what is

1 Victoria Malone 528  
 2 Rory's last name?  
 3 A O'Connell.  
 4 Q I'm sorry.  
 5 What was the outcome of your complaint  
 6 to Rory O'Connell?  
 7 A There was no outcome.  
 8 Q Was there an official report?  
 9 A I wrote something up.  
 10 Q And you gave it to Andy Lawrence?  
 11 A Yes.  
 12 Q What, if anything, if you know, did  
 13 Andy Lawrence do with that?  
 14 A I don't know what he did with it.  
 15 Q Did anyone ever question you about  
 16 it?  
 17 A The notice?  
 18 Q About your writing.  
 19 A They brought me and Rory into Andy's  
 20 office with Steve Peters and I had a talk.  
 21 Q What was the outcome of that talk, if  
 22 you know?  
 23 A They didn't want me to write him up  
 24 or to put any paperwork in his file.  
 25 And I said no, absolutely not, this

1 Victoria Malone 529  
 2 needs to be documented just in case something  
 3 happens again.  
 4 Q Was it in fact documented?  
 5 A I believe so, yes. I think. I don't  
 6 know if they actually went through with it, but  
 7 as far as my knowledge, they did.  
 8 Q And you were satisfied with that  
 9 outcome?  
 10 A I was.  
 11 Q So is it safe to say that you knew  
 12 how to complain, you did complain, and the  
 13 outcomes were favorable to you?  
 14 A No, because he kept on bothering me.  
 15 He didn't stop.  
 16 Q I just asked you if you were happy  
 17 with that outcome and you said yes.  
 18 A I'm sorry. Let me rephrase.  
 19 I was happy with the fact that they  
 20 agreed to put a paper in his file to at least show  
 21 that it was documented.  
 22 Q And were you satisfied with the type  
 23 of the resolution of the grievance, with that  
 24 outcome?  
 25 MR. COHEN: Objection. If you



1 Victoria Malone 542  
 2 tell me the last date?  
 3 A 3/8/18.  
 4 Q Would there be additional text  
 5 messages before 10/2 of 2016?  
 6 A Excuse me?  
 7 Q Would there be additional text  
 8 messages between you and Frank DiZenzo before  
 9 October 2nd of 2016?  
 10 A I don't know. I don't think so.  
 11 Q Did you have a phone, did you have an  
 12 iPhone before October 2nd of 2016?  
 13 A I did.  
 14 Q Did you text at that time?  
 15 A I texted at that time.  
 16 Q Do you think that you also texted  
 17 Frank DiZenzo at that time?  
 18 A I don't know.  
 19 Q But it's possible.  
 20 A I don't know.  
 21 Q It's possible, correct?  
 22 A I don't know.  
 23 Q Miss Malone, you made some very, very  
 24 serious allegations against Mr. DiZenzo in this  
 25 lawsuit.

1 Victoria Malone 543  
 2 Do you realize that?  
 3 A Yes.  
 4 Q And you made allegations that on a  
 5 regular and repeated basis, Mr. DiZenzo sexually  
 6 harassed you, right?  
 7 A Yes.  
 8 Q And he made comments to you that were  
 9 wholly inappropriate when he was working during  
 10 the highway department; is that correct?  
 11 A Yes.  
 12 Q And that behavior only increased as  
 13 he was elected as highway superintendent; is that  
 14 correct?  
 15 A Yes.  
 16 Q Can you look through these text  
 17 messages and tell us if there is anything in here  
 18 that references the egregious conduct that you  
 19 accuse Mr. DiZenzo of.  
 20 A (Reviewing)  
 21 Q Miss Malone, do you see anything here  
 22 that --  
 23 A I'm still reading.  
 24 MR. COHEN: She's still reading.  
 25 Q You're not familiar with these,

1 Victoria Malone 544  
 2 Miss Malone?  
 3 A I'm reading through them.  
 4 Q Okay.  
 5 A (Reviewing)  
 6 Okay.  
 7 Q Is there anything in here that  
 8 supports any of the allegations contained in your  
 9 complaints?  
 10 A No.  
 11 Q In fact, it's quite the opposite,  
 12 isn't it?  
 13 A It's friendly talk.  
 14 Q So for instance, on Page 1 of 10,  
 15 Bates stamp 1907, you tell Mr. DiZenzo in the  
 16 first text that you're sick; is that correct?  
 17 A Yes.  
 18 Q Then he said feel better; is that  
 19 correct?  
 20 A Yes.  
 21 Q Then he says to you you have to  
 22 change your profile. You're an MEO II now. LOL.  
 23 Is that a congratulatory text?  
 24 A I don't know. That just seems like  
 25 he's telling me I'm an MEO II now.

1 Victoria Malone 545  
 2 Q Was that an exciting time for you?  
 3 A When I was an MEO II?  
 4 Q Well, apparently you had gotten  
 5 promoted, correct?  
 6 A Yes. I got my MEO II.  
 7 Q Then the next one he says just seen  
 8 you. Welcome back.  
 9 Do you see that?  
 10 A Just seen you. Welcome back. Yes.  
 11 Q Then he says later can you stop in.  
 12 You say am I in trouble?  
 13 He said never. Had a question about  
 14 plexus.  
 15 Do you see that?  
 16 A Yes.  
 17 Q Turning to Page 3.  
 18 A Three.  
 19 Q Page 3, he texted you keep me posted  
 20 please.  
 21 I'm sorry. You texted him keep me  
 22 posted please.  
 23 He says we are home. All went good.  
 24 Do you know what you were referring  
 25 to or he was referring to?

1 Victoria Malone 546  
 2 A I just read the next one and I said  
 3 oh, thank God, Lisa. Give Lisa hugs and kiss.  
 4 Lisa is his wife. I don't remember  
 5 what happened but there must have been something  
 6 with Lisa.  
 7 Q Was there a medical emergency do you  
 8 recall?  
 9 A I want to say she had a biopsy.  
 10 Q Thank you. Moving on.  
 11 Turning to Page 5 of 10.  
 12 A Five?  
 13 Q Yes.  
 14 A Okay.  
 15 Q Halfway down the page you ask, hold  
 16 on. Oh.  
 17 Frank said to you, you get the day  
 18 just for that. Do me a favor. Just call in sick  
 19 and I will change it.  
 20 And you reply, LMAO. You got it. And  
 21 I put in for Friday. Please approve my ass.  
 22 Is that what you wrote?  
 23 A Yes.  
 24 Q Can you tell us what you're referring  
 25 to?

1 Victoria Malone 547  
 2 A I think I put a day in.  
 3 Q And he approved it?  
 4 A I don't know. It doesn't say that he  
 5 did.  
 6 Q Is that the way you talk to your boss,  
 7 please approve my ass?  
 8 A Apparently I texted it.  
 9 Q Further down the page he says, Frank  
 10 says, don't forget to call in sick.  
 11 You say just did. Thanks, Frank.  
 12 Thank God you're my boss.  
 13 Do you see that?  
 14 A Yes.  
 15 Q What does that mean?  
 16 A That I was happy he was my boss.  
 17 Q Okay. Despite all the years of sexual  
 18 harassment and abuse --  
 19 A I --  
 20 Q -- despite all the years of sexual  
 21 harassment and abuse and horrible behavior and  
 22 disgusting things, you still say to him all right,  
 23 just did. Thanks, Frank. Thank God you're my  
 24 boss?  
 25 A I would have supported Satan to get

1 Victoria Malone 548  
 2 Wayne out of office.  
 3 Q Well, apparently that's what you're  
 4 saying.  
 5 A Excuse me?  
 6 Q Never mind.  
 7 MR. COHEN: Objection.  
 8 Q Then on 12/25 he texted you Merry  
 9 Christmas.  
 10 You say Merry Christmas to you and  
 11 your family, correct?  
 12 A Yes.  
 13 Q Did you volunteer on Frank DiZenzo's  
 14 campaign for highway superintendent?  
 15 A Doing what?  
 16 Q In any capacity at all.  
 17 A I gave him signs. My dad actually  
 18 gave him signs.  
 19 Q Did you make phone calls for him?  
 20 A I believe I did. I don't know. Did  
 21 I do that for my dad or did I do that for Frank?  
 22 I might have done that for Frank. I'm not  
 23 positive.  
 24 Q So is it -- strike that.  
 25 You also allege in your complaint

1 Victoria Malone 549  
 2 that Frank DiZenzo gave you a Go Pro; is that  
 3 correct?  
 4 A Go Girl.  
 5 Q I'm sorry. Go Girl.  
 6 Can you tell us what a Go Girl is?  
 7 A It's a device used to pee standing  
 8 up.  
 9 Q That a woman uses to pee standing up,  
 10 correct?  
 11 A Yes.  
 12 Q And you felt the receipt of that gift  
 13 was another example of his sexual harassment; is  
 14 that correct?  
 15 A Yes. That was ridiculous.  
 16 Q Who was there when he gave you that  
 17 device?  
 18 A I was in the deputies' office. I  
 19 don't remember exactly which deputies were there.  
 20 Q Anybody else besides the deputies?  
 21 A Could have been.  
 22 Q Anyone that worked for the highway  
 23 department?  
 24 A I don't know.  
 25 Q Are you sure Frank gave it to you?